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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

PAUL FAILLA,

Defendant and Appellant.

E055737

(Super.Ct.No. FVIVS020297)

OPINION

APPEAL from the Superior Court of San Bernardino County. Jules E. Fleuret,
Judge. Affirmed.

James R. Bostwick, Jr., under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Paul Failla appeals from the trial court's denial of his petition for a certificate of rehabilitation and pardon. (Pen. Code, §§ 4852.01, 4852.06.)¹ We affirm.

PROCEDURAL BACKGROUND

In 1989, defendant was convicted of burglary (§ 459) and sexual penetration by foreign object (§ 289) in Los Angeles County. He was sent to state prison, and in 1994 he was paroled and moved to San Bernardino County. Defendant filed a petition for a certificate of rehabilitation and pardon (§§ 4852.01, 4852.06), which would allow him to seek a gubernatorial pardon of his offenses. Following a hearing, the trial court denied that request and ruled that he had to wait five years from the date of the denial before he could file another petition. (See *People v. Failla* (2006) 140 Cal.App.4th 1514, 1516 [Fourth Dist., Div. Two] (*Failla*).)²

On June 16, 2011, defendant filed another petition for a certificate of rehabilitation and pardon. On August 4, 2011, the trial court ordered the district attorney's office to complete an investigation on defendant's background and report back to the court at the next hearing. On October 20, 2011, the People indicated that they had completed the investigation and determined that, pursuant to section 4582.01, subdivision (c), defendant was not eligible for relief. The court ordered the defense to file documents in support of

¹ All further statutory references will be to the Penal Code, unless otherwise noted.

² Defendant filed a previous appeal in which he contended the trial court erred in calculating the waiting period to apply for another certificate of rehabilitation and pardon. This court affirmed. (*Failla, supra*, 140 Cal.App.4th at p. 1516.)

the relief requested, and the People to file any opposition, by specified dates. On February 22, 2012, the court heard oral argument by both sides and denied the petition in light of the seriousness of the underlying offenses and defendant's lengthy criminal history.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts, and the following potential arguable issue: whether the trial court abused its discretion when it denied defendant's petition. Counsel has also requested this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, which he has done. In his brief, he argues that he was not given a fair and impartial hearing. He then claims that he was released from prison in 1994, and has never been arrested, charged or convicted since then. He also claims that a false report on his background was filed by the Bureau of Investigation. Defendant's claims are "perfunctorily asserted without argument in support" (*People v. Williams* (1997) 16 Cal.4th 153, 206.) He fails to make any legal argument or cite to any authority in support of his claims. We need not consider mere contentions of error unaccompanied by legal argument. (*People v. Earp* (1999) 20 Cal.4th 826, 884.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

McKINSTER
J.

RICHLI
J.